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ABSTRACT

This lesson plan for grades 9-12 uses a videotape to examine the difference between the adult and juvenile justice systems. The lesson plan presents objectives, lists materials needed, and details classroom procedures. It also provides a handout on the differences between juveniles and adults before the law and offers information on "The Kent Criteria." (BT)

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JUDGES IN THE CLASSROOM

Secondary School Lesson

JUVENILE JUSTICE - DECLINE HEARING

Source:

Written by the staff at the Washington State Office of the Administrator for the Courts (OAC). For more information, contact Judicial Education, Office of the Administrator for the Courts, 1206 S. Quince Street, PO Box 41170, Olympia, Washington 98504-1170.

Objectives:

1. Students will be able to identify differences between the adult and juvenile justice systems.
2. Students will be able to describe the purposes of a decline hearing.
3. Students will be able to analyze a particular case with respect to declining the perpetrator.

Grade Level: Grades 9-12

Time: One class period (*approximately 50 minutes*)

Materials:

Trigger Video

One copy of Handout 1 for each student

Overhead transparency of Kent Criteria (*optional*)

One copy of Washington State Juvenile Court Process for Juvenile Offenders for each student

NOTE: This lesson requires the use of a VCR and monitor. An overhead projector is optional, but encouraged.

Also note that this lesson is based on the law of Washington State. Users in other states will want to localize the law and procedure before teaching the lesson.

Procedures:

Begin the class by introducing yourself and telling a little bit about what you do, if this is your first visit.

Tell students that juveniles and adults face different procedures and consequences when they commit crimes. To summarize those differences, **pass out Handout 1, "Differences Between Juveniles and Adults,"** and review the information.

Introduce trigger video. Tell students that 16 and 17 year-olds accused of violent offenses are subject to the jurisdiction of superior court and treated as adults [RCW 13.04.030(e)(v)].

Other juveniles will be treated like adults under the law if the court *declines* jurisdiction over them. The procedure for making this decision is called a *decline hearing* or *declination*. The crime portrayed in the video is considered a "serious, violent offense" under Washington law, and therefore, would require that a juvenile court judge hold a decline hearing to decide whether or not to keep Justin in juvenile court.

Instruct students to focus on Justin, the character who enters the store first. He is 15 years of age. Ask students to use the back of Handout 1 to note any issues or facts that would concern them, if they were deciding whether to keep Justin in juvenile court or to decline him. The court bases its decision on whether it would be in the best interest of the juvenile or the public to transfer the youth to adult court.

Show video.

Tell students they will form groups of 3-5 after directions have been given. The classroom instructor may wish to assist if assigning groups. Direct students to:

- select a presiding officer to keep discussion moving;
- select a recorder to write down their discussion and decision;
- select a reporter who will report to the class; and
- discuss the video and decide among themselves whether Justin should be treated as a juvenile or an adult.

Give students 10-12 minutes for their deliberations. Circulate, listen in on discussion. Answer questions. **Note:** If discussion in a particular group stalls, ask them about their decision and give them a prompt like, "What if Justin were only twelve?" "What if Justin were seriously abused as a child? Would that change your point of view?" Their deliberations will likely begin again.

Bring the group back together. Ask the recorders to come to the board and write the group's decision and the top three reasons for the decision. While the recorders are writing, survey the rest of the class. Ask for a show of hands: How many found it difficult to make this decision? Did you feel like you needed more information? Did anyone feel concerned about the long-term impact of your decision? Depending on the progress at the board, you may invite questions from the group.

Read each decision. Ask the group for clarification, if needed. Note common threads. When you have worked through all the groups, star each response that is similar to a "Kent Criteria" consideration. Tell students that they have identified issues that a judge must consider.

Describe the Kent Criteria. The Kent Criteria were established by the U.S. Supreme Court in a 1966 case known as Kent v. United States (383 U.S. 541). Explain that juvenile court judges must consider these issues when deciding whether or not to decline a juvenile. You may wish to use the accompanying overhead transparency to summarize the criteria.

- The seriousness of the alleged offense to the community and whether the protection of the community requires the waiver of Juvenile Court jurisdiction.
- Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

- Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons especially if personal injury resulted.
- The prosecutive merit of the complaint.
- The desirability of trial and disposition of the entire offense in one court when the juvenile's associates in the alleged offense are adults who will be charged in superior court.
- The sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude, and pattern of living.
- The record and previous history of the juvenile, including previous contacts with law enforcement, juvenile court, prior periods of probation, or prior commitments to juvenile institutions.
- The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile, provided he is found to have committed the alleged offense, by use of procedures, services, and facilities currently available to the juvenile court.

Debrief. Ask the students to reflect on their own decision-making. Did you base your decision on the factors that the court must consider? Are these good criteria, should we incorporate others?

Some students will want to know, "Judge, what would you do?" If you have time and feel comfortable, be sure to answer.

Conclude the session and thank the students for their participation.

klgol/jjc/lessons/decline1

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HANDOUT 1

Differences Between Juveniles and Adults

JUVENILES	ADULTS
- Any individual under the age of 18 whom has never been transferred to adult court. - Under Washington State law, persons under the age of 8 cannot be charged with a crime.	- Any person age 18 or older. - Any person under age 18 who has been transferred to adult court for the current offense or in the past. - Any 16 or 17 year-old accused of certain violent offenses who is automatically transferred to adult court.
<i>Juvenile rights and protections:</i> - A juvenile facing criminal charges is entitled to legal representation. The court must appoint an attorney if the accused (and his/her family) cannot afford one. - An Information (the document describing the charges and the reasons for believing the youth broke the law) must be filed with the court within three business days of detention. The youth and his/her parents must be told of the charges. Parents are required to attend hearings. - If a juvenile is being held in detention, the court must hold a Detention Hearing within six working days. The judge decides to continue to hold the juvenile or to establish special conditions for release. - A juvenile who goes to trial has a judge, not a jury, decide the case. - Under limited circumstances, youth can seal or destroy their records.	<i>Adult rights and protections:</i> - An adult facing criminal charges is entitled to legal representation. The court must appoint an attorney if the accused might receive jail time and cannot afford an attorney. - Charges must be filed with the court within 72 hours of arrest. The defendant must be informed of the charges. - An adult is entitled to a preliminary hearing to decide issues such as bail and release pending further court action. - An adult who does not plead guilty is entitled to a trial, and may elect to have a jury decide his or her case.
Sentencing and Confinement - Confinement for short periods is served at county-run juvenile detention centers. Longer sentences are served at state-run institutions. All juveniles are required to attend school while confined. - Juveniles may be sentenced to community supervision and/or community service and/or fined. The juvenile must pay restitution if a victim suffered damage. - Juveniles in detention and community supervision may be required to participate in drug, alcohol, mental health treatment, and parenting classes. - Confinement in the juvenile system is limited to age 21. - Juveniles are not subject to the death penalty.	Sentencing and Confinement - Short sentences are served at county-run jails. Sentences of one year or more are served at state-run prisons. - The judge may sentence an adult to community supervision or community service depending on the offense. The defendant may also be required to pay a fine and/or restitution. - A person convicted of three most serious felonies is subject to the "Three Strikes and You're Out" law, resulting in a life sentence without parole. - Under certain circumstances involving murder, an adult may be subject to the death penalty. - Inmates may have limited opportunities for education, work training or other services, if they are available.

Best Interests of the Juvenile or the Public: The Kent Criteria

- The seriousness of the alleged offense to the community.
- Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.
- Whether the alleged offense was against persons or against property.
- The prosecutive merit of the complaint.
- The desirability of one trial when associates in the alleged offense are adults.
- The sophistication and maturity of the juvenile.
- The record and previous history of the juvenile.
- The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile.